IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5341 OF 2007

Parasmal Kachardas Choradia ... .Petitioner.
V/s
Mukund Shridhar Ware & Ors..... ....Respondents.

Mr.V.Z.Kankaria, Adv. for the petitioner.

Mrs.Leena Patil, Adv. For R.No.1.

CORAM: A.P. DESHPANDE, J.
8.8.2007

PC:

An order passed by the trial Court appointing the Commissioner to examine the disputed site and to elucidate the condition of the property is challenged by the present writ petition. The learned counsel submits that by moving the present application an endeavor is made to collect evidence which is impermissible in law. It is also submitted that the building had been constructed in the year 2001 and belatedly appointment of Commissioner is sought as late as in the year 2007. Perused the order. As the trial Court has directed the appointment of the Commissioner with a view to elucidate the fact situation, the order does not call for any interference. Hence writ petition is summarily dismissed.

8.8.07.